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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA,

No. CR 91-00285 MHP

11
12 Plaintiff-Respondent,

13 v.

**ORDER GRANTING REQUEST TO
PROCEED ON APPEAL IN FORMA
PAUPERIS**

14 CURTIS BLACKWELL JR.,

15 Defendant-Petitioner.
16 _____/

17 On September 17, 1992, petitioner plead guilty to three counts of bank robbery in
18 violation of 18 U.S.C. § 2113 (Counts One, Three, and Ten), and one count of using a firearm in
19 violation of 18 U.S.C. § 924(c) (Count Two). On January 4, 1993, in accordance with the plea
20 agreement, the Court accepted the plea agreement and sentenced petitioner to a 357-month term
21 of imprisonment, including 57 months on Counts One and Three, to run concurrent, 60 months
22 on Count Two to run consecutive to Counts One and Three, and 240 months on Count Ten to run
23 consecutive to all other Counts.


24 On October 23, 2013, petitioner's motion for reduction of his sentence under 18 U.S.C. §
25 3582(c)(2) was denied. Petitioner filed a notice of appeal from that order and now requests to
26 proceed in that appeal without prepayment of filing fees. His request will be construed as an
27 application to proceed in forma pauperis on appeal, and is hereby granted on the grounds that the
28 appeal as to whether his sentence resulted in a violation of 18 U.S.C. § 3582 and Amendment

ORDER

1 599 to the Federal Sentencing Guidelines is taken in good faith and is not frivolous. *Ellis v.*
2 *United States*, 356 U.S. 674, 674–75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092
3 (9th Cir. 2002).

4 IT IS SO ORDERED.

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6 DATED: November 27, 2013

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8 RICHARD SEEBORG
9 United States District Judge
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ORDER